

GREENWOOD COMMON COUNCIL
SEPTEMBER 6, 2006 MINUTES
PAGE 1

Mayor Charles Henderson called the meeting to order at 7:02 p.m.

Boy Scout Troop 259 led the audience in the Pledge of Allegiance. Attending were Scoutmaster Mark Wright, Josh Petty, Cameron Oliver, Ben Petty and Jacob Huffman. Councilman Ron Bates then led in prayer.

PRESENT: Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.

Mr. Bates moved to accept the minutes of the regular session of August 21st, with second by Mr. Hardin. Vote: Ayes. Mr. Gibson then moved to approve the minutes of the special session of August 28th. Second by Mr. Hardin. Vote: Ayes (Bless – Abstain).

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Hardin reported on the Plan Commission meeting. He highlighted the presentation on Lyon's Park and the zoning change for the Ragan property.

ORDINANCE No. 06-22 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 2.523 Acres Located at 3209 West Smith Valley Road, Commonly Known as the Taylor Property. Mr. Bless moved to pass Ordinance No. 06-22 on first reading. Second by Ms. Reed. Mayor Henderson opened the public hearing for comments and questions. David Kingen of Neighborhood Downtown Zoning Assistance, Inc. represented the petitioner. With him were property owner Jerry Taylor and Scott Gander, president of Yeager Properties, the developer of the property. The property is currently in the County. They desire to annex the property and rezone to B-1 in order to develop Greenwood Office Suites. The structure will be approximately 31,000 to 32,000 square feet, noted Mr. Kingen. He then described the commitments that were presented to the Plan Commission, with counsel clarifying that eleven commitments were listed in the ordinance. As no one else spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.** At the recommendation of the City Attorney, Mr. Bates moved to postpone second reading until the October 16, 2006 meeting in order to comply with State statute. Second by Mr. Hardin. Vote: Ayes. **SECOND READING POSTPONED UNTIL OCTOBER 16, 2006 MEETING.**

ORDINANCE No. 06-24 – An Ordinance to Amend the Texts of Greenwood Common Council Ordinance No. 82-1, As Amended, Zoning; Ordinance No. 99-54, As Amended, Official Fee Schedule; Ordinance No. 02-12, As Amended, Subdivision Control and Land Development; and Greenwood Municipal Code (1993), As Amended, Chapter 4, Article 2, Division VI, Official Fee Schedule, Section 4-66; Chapter 10, Article 6, Supplementary District Regulations, Section 10-101, "I-65 Overlay Zone District", and Section 10-103, "Parking Requirements"; Chapter 10, Article 16, Site Development Plan Requirements, Section 10-460, "Site Development Plan"; Chapter 10, Article 20, Subdivision Control Ordinance, Division III, "Application and Approval Process", Section 10-504; Division V, "Design Standards", Section 10-511; and Division VI, "Improvements", Section 10-515, to Allow Review of Development Plans by Outside Consultants, and to Update Various Portions of the Official Fee Schedule, the I-65 Corridor Overlay Zone Requirements, Parking Requirements, Street Requirements, Driveway Requirements, and Pathway Requirements. A motion to pass Ordinance No. 06-24 through first reading by Mr. Hardin, second

by Mr. Bates, is on the floor from the August 21st meeting. Vote: Ayes.
ORDINANCE No. 06-24 PASSED FIRST READING.

RESOLUTION No. 06-19 – A Resolution of the Greenwood Common Council Terminating Property Tax Abatement for Real Property Improvements (BD Greenwood Development, LLC). Mr. Hardin moved to pass Resolution No. 06-19 on first reading. Second by Mr. Bates. Mayor Henderson opened the public hearing for comments from the public. George Abel of Duke Realty came forward to give a brief explanation of the change in the project that led to this resolution and its replacement – next on the agenda. As no one else spoke, the public hearing was closed. Vote: Ayes. **PASSED FIRST READING.**

RESOLUTION No. 06-20 – A Resolution Declaring Certain Real Property Improvements For Property Tax Abatement and Setting the Time and Place for a Public Hearing Thereon (BD Greenwood Development, LLC). Mr. Bates moved to pass Resolution No. 06-20 through first reading. Second by Mr. Gibson. The petitioner presented a brief overview of the project – a long-term acute care hospital – just north of Alpine Electronics. It is still a three-story building, but the changes were detailed, such as reduction in square feet and bed capacity. Some skilled nursing unit beds have been eliminated but eight intensive unit care beds that remain. The investment was \$17,600,000 and is now around \$16,000,000 and they expect to create fifteen new jobs over the next five years, rather than the 45 jobs for a larger facility. The annual salary averages around \$40,000. Vote: Ayes. **PASSED FIRST READING.**

By consensus of the Council, the ordinances fixing salaries for appointed officers and employees of the City and the budget were moved to the end of the meeting.

ORDINANCE No. 06-28 – An Ordinance Amending Chapter 2, Article 6, Sec. 2-38, and Chapter 8, Article 9, Sec. 8-115 Exhibit A, of the Greenwood Municipal Code, As Amended, Designating No Parking on the East and West Sides of a Certain Portion of Kilbourne Drive Within the City of Greenwood. Mr. Bates moved to pass Ordinance No. 06-28 through first reading. Second by Mr. Hardin. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 06-15 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 102 Acres Located West of Averitt Road, North of Cutsinger Road (commonly known as the City of Greenwood and Greenwood Community School Corporation Properties). **SECOND READING POSTPONED UNTIL OCTOBER 2, 2006 MEETING.**

RESOLUTION No. 06-17 – A Resolution of the Greenwood Common Council to Amend Resolution No. 88-21, “A Resolution to Adopt and Approve a Comprehensive Plan for the City of Greenwood”, In Accordance With the Provisions of I.C. 36-7-4-500 et seq. As Amended. Mr. Bless moved to pass Resolution No. 06-17 through second reading. Second by Mr. Deer. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 06-25 – An Ordinance Amending Common Council Ordinance No. 81-32, “An Ordinance Establishing Accident Report Fees to be Charged by the Police Department of the City of Greenwood, Indiana, and the Establishment of a Nonreverting Fund to be Used for Training”; Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 9, Funds Established, Division I, Sec. 2-90 Accident Report Account; and Chapter 4, Article 2. Specific Activities Regulated, Division I. Fees Established, Sec. 4-21 Accident Reports, to Increase

the Accident Report Fee and Clarify the Fund into Which the Fee is Deposited. Mr. Bates moved to pass Ordinance No. 06-25 on second reading. Second was by Mr. Hardin. State statute mandates that we charge no less than \$5 for accident reports, and we have been charging \$3. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 06-22 – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately 41.176 Acres Located on the South Side of Worthsville Road, West of C.R. 75E and West of Railroad, Referencing Annexation Ordinance No. 06-34. **INTRODUCED.**

ORDINANCE No. 06-29 – An Ordinance Transferring Funds Within the Budget of the Police Department (\$182,708). **INTRODUCED.** There is a request for suspension of the rules. Chief Joe Pitcher cited utility bills and a failing HVAC system. The money is coming from account 111, from slots not filled. Mr. Bless moved to suspend the rules to consider first reading. Second by Mr. Gibson. Vote: Ayes. **RULES SUSPENDED.** Mr. Bates moved to pass Ordinance No. 06-29 through first reading. Second by Mr. Bless. Vote: Ayes. **PASSED FIRST READING.** Mr. Bless then moved to suspend the rules to consider second reading. Second by Mr. Gibson. Vote: Ayes. **RULES SUSPENDED.** Mr. Gibson moved to pass Ordinance No. 06-29 on second reading. Second by Mr. Bless. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 06-30 – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Development Fund (\$100,000) For Reconstruction and Repair of Portions of Streets Adjoining Railroad Crossings on Main Street and Stop 18 Road. Mayor Henderson clarified that the railroad agreed to widening the crossing if the City did other things. In order to make the Aldi project and the Stop 18 paving one project, the City has to do work coming up to the crossing. Milestone has given us a quote, since they have been awarded the 2006 Overlay Contract. A total of \$50,000 or more for a public works project requires public bidding clarified the City Attorney. If a contractor is doing a similar public works, you can do a change order and add additional similar work. The Mayor said he would have the figures before the Council votes. **INTRODUCED.**

ORDINANCE No. 06-31 – An Ordinance Fixing Salaries of Elected Officials of the City of Greenwood, Indiana For the Year 2007. **INTRODUCED.**

ORDINANCE No. 06-32 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances In Conflict Herewith” (Proposed Rezoning of 85 East Main Street, commonly known as the Kane Property). **INTRODUCED.**

ORDINANCE No. 06-33 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances In Conflict Herewith” (Proposed Rezoning of 412 Glenn Drive, Lots 5 & 6 and a part of Lot 4 of Cook Addition, located on the northwest corner of U.S. 31 and Glenn Drive, commonly known as the Ragan Property). **INTRODUCED.**

GREENWOOD COMMON COUNCIL
SEPTEMBER 6, 2006 MINUTES
PAGE 4

ORDINANCE No. 06-34 – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 41 Acres Located South of Worthsville Road and East of Conrail Railroad Tracks (commonly known as the Wilcox and Worthsville Road, LLC Property). **INTRODUCED.**

RESOLUTION No. 06-23 – A Resolution of the Greenwood Common Council Authorizing Execution of an Interlocal Agreement with Johnson County to Pay for Repairs to the Railroad Crossing Near Bridge Number 607 on Main Street in the City of Greenwood. **INTRODUCED.**

The Council recessed at 7:50 p.m. and reconvened at 8:05 p.m.

Budget presentations were next, as follows:

Economic Development Commission	Jerry McKinney and Laura Gibbons, IACT
Police Merit Commission	Ms. Reed, for Byford Reed
Redevelopment Commission	Attorney Stephen Watson
Common Council	President Bates
Clerk-Treasurer	Jeannine Myers
City Court	Judge Lewis Gregory
Adult Probation	Jodi Rittman

ORDINANCE No. 06-26 – An Ordinance Fixing Salaries of Appointed Officers and Employees of the City of Greenwood, Indiana For the Year 2007. Mr. Bless moved to pass Ordinance No. 06-26 through first reading. Second by Mr. Deer. At this time, Paige Gregory of H.J. Umbaugh discussed her cash flow analysis for the City from July 1 through December 31, 2006. She highlighted total receipts, total disbursements for 2006 (projecting positive cash balances throughout), estimated ending cash, and estimated ending cash and investments for 2007 (Handout is in attachments of this meeting). Ms. Gregory told the Council that all budgets can be funded as proposed, with the exception of the Local Road and Street, with a deficit of \$29,012. Local Road and Street cannot have property tax dollars, she clarified, and revenues are declining. Special census revenue could not be included, as we do not know yet how that will be allocated, and this additional miscellaneous revenue will not affect the levy, stated Ms. Gregory. She estimates that the tax rate will increase by less than one cent, mainly because the assessed value increases about 3% each year. The City does not qualify for excess levy appeals this year. Discussion next focused on net cash flow for the last part of 2006, but Ms. Gregory drew the attention of Council to the estimated ending cash and investments line. For 2007 the net cash flow is for the entire year. Discussion turned to the certified budgets form 2004 to the proposed for 2007 and the importance of maintaining the maximum levy. Mr. Hardin moved to amend Ordinance No. 06-26 by capping the salary increases at 3% and reducing the appropriate budgets. Second by Ms. Reed. The Mayor recalled that last year the salary increase was reduced from 3.3 to 3% because we thought we would have a shortfall. He added that the proposed increase is from a cost of living number in May, which has since gone up. The Mayor urged the Council to keep the salaries as proposed. Vote: Ayes – Hardin, Reed, Armstrong, Bates; Nays – Bless, Deer, Gibson. **AMENDED.** Judge Gregory reminded the Council that some of the salary adjustments in the Adult Probation budget are required in order to maintain certification of the probation officers. If the salaries do not meet the minimum the officers would not be certified. Ms. Reed then moved to amend the salaries of the Board of Public Works & Safety to

GREENWOOD COMMON COUNCIL
SEPTEMBER 6, 2006 MINUTES
PAGE 5

the level of the Council. Second by Mr. Bates. Vote: Ayes – Reed, Armstrong, Bates, Bless, Gibson, Hardin; Nay – Deer. **AMENDED.** Mr. Armstrong, at the recommendation of the City Attorney, moved to amend Ordinance No. 06-26 as follows, so that the Director of Operations' salary is in the Board of Works Department:

In Section 2, Page 1, by amending the Director of Operations' salary from the proposed \$30,601 to 3% over 2005...\$53,045

In Section 2, page 2, by deleting the reference to the Director of Operations in the Engineering Department

In Section 2, page 4, by deleting the reference to the Director of Operations in the Fleet Maintenance Department

In Section 2, page 5, by deleting the reference to the Director of Operations in the (MVH) Street Department

In Section 2, page 8, by deleting the reference to the Director of Operations in the Sanitation Department – Field Operations.

Second by Mr. Bates. Vote: Ayes. **AMENDED.** Roll call on Ordinance No. 06-26, as amended: Ayes – Bates, Deer, Hardin, Reed, Armstrong; Nays – Bless, Gibson. **ORDINANCE No. 06-26 PASSED FIRST READING AS AMENDED.** Ms. Koons-Davis will have the revised numbers in the next Council packets.

ORDINANCE No. 06-27 – An Ordinance for Appropriations and Tax Rates. Mr. Hardin moved to postpone Ordinance No. 06-27 until September 18, 2006 in order to study the changes and continue the public hearing. Second by Mr. Deer. Vote: Ayes – Bless, Hardin, Reed, Armstrong, Bates; Nays – Deer, Gibson. The City Attorney noted that this is a public hearing. This will need to be continued, as it was advertised for this evening. **FIRST READING POSTPONED AND PUBLIC HEARING CONTINUED UNTIL SEPTEMBER 18, 2006 MEETING.** Discussion turned to setting a date for a special meeting, as the budget must be passed before the end of the month. Consensus was to hold a special meeting on Wednesday, September 20th at 5:30 p.m. to discuss the budget only.

With no further business, the meeting adjourned at 9:45 p.m.

Charles E. Henderson, Mayor

Jeannine Myers, Clerk-Treasurer